

SECTION 1. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.020 to read as follows:

Sec. 411.020. PURCHASE OF FIREARM FROM DEPARTMENT BY OFFICER. (a) A commissioned officer of the department may purchase for an amount set by the department, not to exceed fair market value, a firearm issued to the officer by the department if the firearm is not listed as a prohibited weapon under Section 46.06, Penal Code, and if the firearm is retired by the department for replacement purposes.

(b) The department may adopt rules for the sale of a retired firearm to an officer of the department.

SECTION 2. Subchapter A, Chapter 5, Alcoholic Beverage Code, is amended by adding Section 5.141 to read as follows:

Sec. 5.141. PURCHASE OF FIREARM FROM COMMISSION BY INSPECTOR OR REPRESENTATIVE. (a) A commissioned inspector or representative of the commission may purchase for an amount set by the commission, not to exceed fair market value, a firearm issued to the inspector or representative by the commission if the firearm is not listed as a prohibited weapon under Section 46.06, Penal Code, and if the firearm is retired by the commission for replacement purposes.

(b) The commission may adopt rules for the sale of a retired firearm to an inspector or representative of the commission.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on March 7, 1991: Yeas 139, Nays 0, 2 present, not voting; passed by the Senate on April 12, 1991: Yeas 31, Nays 0.

Approved April 19, 1991.

Effective April 19, 1991.

CHAPTER 38

S.B. No. 448

AN ACT

relating to the adoption of a nonsubstantive revision of the statutes relating to intergovernmental relations, including repeals.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. ADOPTION OF TITLE 7, GOVERNMENT CODE. The Government Code is amended by adding Title 7 to read as follows:

TITLE 7. INTERGOVERNMENTAL RELATIONS

CHAPTER 741. TEXAS INTERGOVERNMENTAL COOPERATION ACT

CHAPTER 742. COORDINATING RELATIONSHIPS BETWEEN LOCAL GOVERNMENTS AND FEDERAL AGENCIES

[Chapters 743–750 reserved for expansion]

CHAPTER 751. OFFICE OF STATE-FEDERAL RELATIONS

[Chapters 752–760 reserved for expansion]

CHAPTER 761. SOUTHERN STATES ENERGY COMPACT

CHAPTER 762. COMMISSION ON UNIFORM STATE LAWS

CHAPTER 763. AGREEMENTS BETWEEN BORDER MUNICIPALITIES

[Chapters 764–770 reserved for expansion]

CHAPTER 771. INTERAGENCY COOPERATION ACT

CHAPTER 772. GOVERNMENTAL PLANNING

CHAPTER 773. COORDINATION OF REGULATORY AGENCY
INFORMATION GATHERING

[Chapters 774–780 reserved for expansion]

CHAPTER 781. TEXAS DEPARTMENT OF COMMUNITY AFFAIRS

CHAPTER 782. CULTURAL BASIN ACT

CHAPTER 783. UNIFORM GRANT AND CONTRACT MANAGEMENT

[Chapters 784–790 reserved for expansion]

CHAPTER 791. INTERLOCAL COOPERATION CONTRACTS

TITLE 7. INTERGOVERNMENTAL RELATIONS

CHAPTER 741. TEXAS INTERGOVERNMENTAL COOPERATION ACT

- Sec. 741.001. SHORT TITLE
- Sec. 741.002. PURPOSE
- Sec. 741.003. DEFINITIONS
- Sec. 741.004. ESTABLISHMENT
- Sec. 741.005. COMPOSITION OF COMMISSION; TERMS
- Sec. 741.006. LOBBYIST RESTRICTION
- Sec. 741.007. RECORD OF APPOINTMENTS
- Sec. 741.008. VACANCY
- Sec. 741.009. SUNSET ACT APPLICABILITY
- Sec. 741.010. GROUNDS FOR REMOVAL
- Sec. 741.011. CHAIRMAN
- Sec. 741.012. GENERAL POWERS AND DUTIES
- Sec. 741.013. ANNUAL REPORTS
- Sec. 741.014. INFORMATION OF GENERAL INTEREST; COMPLAINTS
- Sec. 741.015. STAFF; CAREER LADDER PROGRAM
- Sec. 741.016. LOCAL GOVERNMENT CONTRIBUTION
- Sec. 741.017. COMPENSATION AND EXPENSES

CHAPTER 741. TEXAS INTERGOVERNMENTAL COOPERATION ACT

Sec. 741.001. SHORT TITLE. This chapter may be cited as the Texas Intergovernmental Cooperation Act. (V.A.C.S. Art. 4413(32b), Sec. 2.)

Sec. 741.002. PURPOSE. The purpose of this chapter is to improve the coordination and cooperation between the state and local governments and between the state and the federal government by:

(1) providing a means for continuous evaluation of the state's key role in the federal system;

(2) involving local, state, and federal officials in an advisory capacity to the public agencies of the state; and

(3) establishing a regular system of reporting to public officials on the progress of the state and local governments toward meeting their intergovernmental responsibilities. (V.A.C.S. Art. 4413(32b), Sec. 1.)

Sec. 741.003. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Advisory Commission on Intergovernmental Relations.

(2) "Local government" means a:

(A) political subdivision of the state, including a municipality, county, or special district; or

(B) combination of political subdivisions of the state. (V.A.C.S. Art. 4413(32b), Sec. 3.)

Sec. 741.004. ESTABLISHMENT. The commission is an agency of the state. (V.A.C.S. Art. 4413(32b), Sec. 4.)

Sec. 741.005. COMPOSITION OF COMMISSION; TERMS. (a) The commission is composed of:

(1) members appointed by the governor, as follows:

(A) four county officials;

(B) four municipal officials;

(C) two public school officials;

(D) two representatives of other local governments;

(E) four private citizens; and

(F) two federal officials residing in the state and responsible for operating federal programs in the state;

(2) three members who are state senators appointed by the lieutenant governor;

(3) three members who are state representatives appointed by the speaker of the house of representatives; and

(4) ex officio members who are the lieutenant governor and the speaker of the house of representatives.

(b) Appointments to the commission shall be made without regard to the race, creed, sex, religion, or national origin of the appointees.

(c) Appointed members of the commission serve staggered six-year terms with the terms of eight members, including the terms of one senator and one representative, expiring on September 1 of each odd-numbered year. (V.A.C.S. Art. 4413(32b), Secs. 5(a), 7(a).)

Sec. 741.006. LOBBYIST RESTRICTION. A person required to register as a lobbyist under Chapter 305 because of the person's activities for compensation in or on behalf of a profession related to the operation of the commission may not serve as a member of the commission or act as the general counsel to the commission. (V.A.C.S. Art. 4413(32b), Sec. 5(b).)

Sec. 741.007. RECORD OF APPOINTMENTS. The commission's records must contain:

(1) the date the secretary of state issued a certificate of appointment to each appointed member of the commission;

(2) the date the appointed member took the oath of office;

(3) the name of the person who administered the oath of office to the appointed member;

(4) the date the appointed member's term begins; and

(5) the date the appointed member's term ends. (V.A.C.S. Art. 4413(32b), Sec. 7(e).)

Sec. 741.008. VACANCY. On the vacancy of the office of an appointed member of the commission, the appropriate appointing authority shall appoint a person to serve for the remainder of the unexpired term in the same manner as the original appointment. (V.A.C.S. Art. 4413(32b), Sec. 7(d).)

Sec. 741.009. SUNSET ACT APPLICABILITY. The commission is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the

commission is abolished and this chapter expires September 1, 1995. (V.A.C.S. Art. 4413(32b), Sec. 4a.)

Sec. 741.010. **GROUND FOR REMOVAL.** (a) It is a ground for removal from the commission if a member of the commission:

- (1) did not have, at the time of appointment, the qualifications required by Section 741.005(a);
- (2) does not maintain the qualifications required by Section 741.005(a); or
- (3) violates a prohibition established under Section 741.006.

(b) The validity of an action of the commission is not affected because it is taken when a member of the commission is subject to removal. (V.A.C.S. Art. 4413(32b), Secs. 7(b), (c).)

Sec. 741.011. **CHAIRMAN.** (a) The governor shall select a chairman of the commission.

(b) The chairman serves at the pleasure of the governor.

(c) In the absence or disability of the chairman, the members of the commission by majority vote of those present at a meeting shall elect a temporary chairman. (V.A.C.S. Art. 4413(32b), Sec. 6.)

Sec. 741.012. **GENERAL POWERS AND DUTIES.** (a) The commission shall:

- (1) continuously evaluate the relationships among local, state, and federal government agencies and prepare studies and recommendations to improve those relationships;
- (2) evaluate proposed and existing federal programs and assess their effect on the state;
- (3) evaluate the state's role in helping local governments to carry out their public responsibilities and make recommendations for improvement;
- (4) serve as a forum for the discussion and resolution of serious intergovernmental problems; and
- (5) encourage and, if appropriate, coordinate studies relating to intergovernmental relations conducted by research-oriented organizations, including universities and local, state, and federal agencies.

(b) The commission may:

- (1) issue additional reports of its findings and recommendations; and
- (2) apply for, contract for, receive, and expend appropriations or grants from local, state, or federal governmental or other public or private sources for its purposes. (V.A.C.S. Art. 4413(32b), Secs. 10, 11(a) (part), 12(a).)

Sec. 741.013. **ANNUAL REPORTS.** The commission shall:

- (1) issue an annual public report on its work; and
- (2) during January of each year, file with the governor and the presiding officer of each house of the legislature a complete and detailed written report accounting for all funds received and disbursed by the commission during the preceding year. (V.A.C.S. Art. 4413(32b), Secs. 11(a) (part), (b).)

Sec. 741.014. **INFORMATION OF GENERAL INTEREST; COMPLAINTS.** (a) The commission shall:

- (1) prepare information of general interest describing the commission's duties and the procedures by which complaints are filed with and resolved by the commission;
- (2) make the information available to the public and appropriate state agencies; and
- (3) maintain an information file on each complaint relating to activities of the commission.

(b) If a written complaint relating to a commission activity is filed with the commission, the commission, at least quarterly and until final disposition of the complaint, shall notify

the parties to the complaint of the status of the complaint. (V.A.C.S. Art. 4413(32b), Secs. 10A, 10B.)

Sec. 741.015. **STAFF; CAREER LADDER PROGRAM.** (a) The commission may employ an executive director and other staff necessary to carry out its powers and duties under this chapter.

(b) The executive director or the executive director's designee shall develop an intraagency career ladder program that includes the intraagency posting of all nonentry level positions for at least 10 days before the date of any public posting.

(c) The executive director or the executive director's designee shall develop a system of annual performance evaluations based on measurable job tasks. Merit pay for staff must be based on this system. (V.A.C.S. Art. 4413(32b), Sec. 9.)

Sec. 741.016. **LOCAL GOVERNMENT CONTRIBUTION.** A local government may appropriate money to the commission to share in the cost of the commission's operations. (V.A.C.S. Art. 4413(32b), Sec. 12(b).)

Sec. 741.017. **COMPENSATION AND EXPENSES.** A member of the commission may not receive a salary for service on the commission but is entitled to reimbursement for travel and other necessary expenses incurred in performing duties of the commission. (V.A.C.S. Art. 4413(32b), Sec. 8.)

CHAPTER 742. COORDINATING RELATIONSHIPS BETWEEN LOCAL GOVERNMENTS AND FEDERAL AGENCIES

Sec. 742.001. **STATE POLICY**

Sec. 742.002. **DEFINITIONS**

Sec. 742.003. **COORDINATING ACTIONS OF LOCAL GOVERNMENTS**

Sec. 742.004. **FEDERAL FINANCIAL ASSISTANCE REQUESTS**

Sec. 742.005. **APPLICATIONS FOR FEDERAL FINANCIAL ASSISTANCE**

Sec. 742.006. **ACTION IF ASSISTANCE WITHHELD OR DEFERRED**

CHAPTER 742. COORDINATING RELATIONSHIPS BETWEEN LOCAL GOVERNMENTS AND FEDERAL AGENCIES

Sec. 742.001. **STATE POLICY.** It is the policy of this state to provide technical assistance and to coordinate relationships between local governments and federal agencies regarding federal financial assistance programs. (V.A.C.S. Art. 4413d-2, Sec. 1.)

Sec. 742.002. **DEFINITIONS.** In this chapter:

(1) "Designated state agency" means a state agency either designated or established by state law or designated by the governor to coordinate the actions of a local government participating in a federal financial assistance program.

(2) "Federal financial assistance" means a grant or loan provided by a federal financial assistance program.

(3) "Federal financial assistance program" means a program established by federal law or rule that provides a grant or loan to a local government.

(4) "Local government" means a municipality, county, school district, hospital district, or any other political subdivision of a county or the state. (New.)

Sec. 742.003. **COORDINATING ACTIONS OF LOCAL GOVERNMENTS.** (a) The governor or a state agency designated by the governor shall coordinate the actions of a local government participating in a federal financial assistance program unless other state law designates or establishes a particular state agency to perform that duty.

(b) The governor or the designated state agency shall adopt rules to coordinate the actions of local governments participating in federal financial assistance programs.

(c) A rule adopted under this section must be approved by the attorney general and filed with the secretary of state. (V.A.C.S. Art. 4413d-2, Sec. 2.)

Sec. 742.004. **FEDERAL FINANCIAL ASSISTANCE REQUESTS.** (a) The governing body of a local government by order or resolution may request that the governor or the designated state agency act on behalf of the local government in any matter relating to:

- (1) a request for federal financial assistance; or
- (2) an agreement, assurance of compliance, requirement, or enforcement action relating to the request.

(b) The governing body of a local government by order or resolution may revoke the request and the authority delegated by the request to the governor or designated state agency. (V.A.C.S. Art. 4413d-2, Sec. 3.)

Sec. 742.005. **APPLICATIONS FOR FEDERAL FINANCIAL ASSISTANCE.** (a) A governing body of a local government that has requested that the governor or the designated state agency act on behalf of the local government under Section 742.004(a) shall submit to the governor or the designated state agency each application for federal financial assistance.

(b) The governor or the designated state agency shall approve or disapprove the application. (V.A.C.S. Art. 4413d-2, Sec. 4 (part).)

Sec. 742.006. **ACTION IF ASSISTANCE WITHHELD OR DEFERRED.** The governor or the designated state agency shall take any action that the governor or the agency considers necessary or appropriate to meet the needs of a local government if:

- (1) any federal financial assistance is withheld from the local government;
- (2) a contract that a local government would otherwise receive under a federal financial assistance program is withheld from the local government; or
- (3) a payment is deferred because of an action by a federal government agency relating to the program. (V.A.C.S. Art. 4413d-2, Sec. 4 (part).)

[Chapters 743–750 reserved for expansion]

CHAPTER 751. OFFICE OF STATE-FEDERAL RELATIONS

- Sec. 751.001. **DEFINITIONS**
- Sec. 751.002. **OFFICE OF STATE-FEDERAL RELATIONS**
- Sec. 751.003. **SUNSET ACT APPLICABILITY**
- Sec. 751.004. **APPOINTMENT AND TERM OF DIRECTOR**
- Sec. 751.005. **POWERS AND DUTIES OF DIRECTOR**
- Sec. 751.006. **STAFF; CAREER LADDER PROGRAM**
- Sec. 751.007. **LOBBYIST RESTRICTION**
- Sec. 751.008. **PUBLIC INFORMATION AND COMPLAINTS**
- Sec. 751.009. **CONTRIBUTIONS**

CHAPTER 751. OFFICE OF STATE-FEDERAL RELATIONS

Sec. 751.001. **DEFINITIONS.** In this chapter:

- (1) "Director" means the director of the Office of State-Federal Relations.
- (2) "Office" means the Office of State-Federal Relations. (New.)

Sec. 751.002. **OFFICE OF STATE-FEDERAL RELATIONS.** The Office of State-Federal Relations is within the executive department. (New.)

Sec. 751.003. **SUNSET ACT APPLICABILITY.** The office is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the office is abolished and this chapter expires September 1, 1995. (V.A.C.S. Art. 4413d-1, Sec. 1a.)

Sec. 751.004. **APPOINTMENT AND TERM OF DIRECTOR.** (a) The governor, with the advice and consent of the senate, shall appoint a director of the office.

(b) The director serves at the pleasure of the governor. (V.A.C.S. Art. 4413d-1, Sec. 2.)

Sec. 751.005. POWERS AND DUTIES OF DIRECTOR. (a) The director shall exercise the powers and carry out the duties prescribed by this section in order to act as a liaison from the state to the federal government.

(b) The director shall:

- (1) help coordinate state and federal programs dealing with the same subject;
- (2) inform the governor and the legislature of federal programs that may be carried out in the state or that affect state programs;
- (3) provide federal agencies and the United States Congress with information about state policy and state conditions on matters that concern the federal government;
- (4) provide the legislature with information useful in measuring the effect of federal actions on the state and local programs; and
- (5) prepare an annual report of the office's operations and recommendations and supply a copy of the report to the governor and all members of the legislature.

(c) The director may maintain office space at locations inside and outside the state as chosen by the director. (V.A.C.S. Art. 4413d-1, Secs. 3, 6.)

Sec. 751.006. STAFF; CAREER LADDER PROGRAM. (a) The director may employ staff necessary to carry out the director's powers and duties under this chapter.

(b) The director or the director's designee shall develop an intraagency career ladder program that includes the intraagency posting of all nonentry level positions for at least 10 days before the date of any public posting.

(c) The director or the director's designee shall develop a system of annual performance evaluations based on measurable job tasks and merit pay for staff must be based on this system. (V.A.C.S. Art. 4413d-1, Secs. 4(a), (c).)

Sec. 751.007. LOBBYIST RESTRICTION. A person required to register as a lobbyist under Chapter 305 may not act as general counsel of the office. (V.A.C.S. Art. 4413d-1, Sec. 4(b).)

Sec. 751.008. PUBLIC INFORMATION AND COMPLAINTS. (a) The director shall:

- (1) prepare information of public interest describing the director's functions and the procedures by which complaints are filed with and resolved by the director;
- (2) make the information available to the public and appropriate state agencies; and
- (3) maintain an information file on each complaint filed relating to an office activity.

(b) If a written complaint relating to an office activity is filed with the director, the director, at least quarterly and until final disposition of the complaint, shall notify the parties to the complaint of the status of the complaint unless the notice would jeopardize an undercover investigation. (V.A.C.S. Art. 4413d-1, Sec. 8.)

Sec. 751.009. CONTRIBUTIONS. (a) The office may accept contributions that the office determines will further the objectives of the office.

(b) A contribution may not be used to pay any part of the compensation of a person who is an officer or employee of the office on the date the office receives the contribution. (V.A.C.S. Art. 4413d-1, Sec. 9(a).)

[Chapters 752-760 reserved for expansion]

CHAPTER 761. SOUTHERN STATES ENERGY COMPACT

Sec. 761.001. ENACTMENT; TERMS OF COMPACT

Sec. 761.002. MEMBERS OF BOARD

Sec. 761.003. COORDINATION OF ENERGY ACTIVITIES

Sec. 761.004. MEMBERSHIP DUES

Sec. 761.005. BUDGETS

Sec. 761.006. ENERGY ADVISORY COMMITTEE

Sec. 761.007. COOPERATION WITH BOARD

Sec. 761.008. APPLICATION OF SUNSET ACT

CHAPTER 761. SOUTHERN STATES ENERGY COMPACT

Sec. 761.001. ENACTMENT; TERMS OF COMPACT. The Southern States Energy Compact is enacted and entered into as follows:

SOUTHERN STATES ENERGY COMPACT

Article I—POLICY AND PURPOSE.

The party states recognize that the proper employment and conservation of energy, and employment of energy-related facilities, materials, and products, within the context of a responsible regard for the environment, can assist substantially in the industrialization of the South and the development of a balanced economy for the region. They also recognize that optimum benefit from an acquisition of energy resources and facilities require systematic encouragement, guidance, and assistance from the party states on a cooperative basis. It is the policy of the party states to undertake such cooperation on a continuing basis; it is the purpose of this compact to provide the instruments and the framework for such a cooperative effort to improve the economy of the South and contribute to the individual and community well-being of the people of this region.

Article II—THE BOARD.

(a) There is hereby created an agency of the party states to be known as the 'Southern States Energy Board' (hereinafter referred to as the Board). The Board shall be composed of three members from each party state, one of whom shall be appointed or designated to represent the Governor and one to represent each house of the state legislature. Each member shall be designated or appointed in accordance with the law of the state which he represents and serving and subject to removal in accordance with such law. Any member of the Board may provide for the discharge of his duties and the performance of his functions thereon (either for the duration of his membership or for any less period of time) by a deputy or assistant, if the laws of his state make specific provision therefor. The Federal Government may be represented on the Board without vote, if provision is made by Federal law for such representation.

(b) Each party state shall be entitled to one vote on the Board, to be determined by majority vote of each member or member's representative from the party state present and voting on any question. No action of the Board shall be binding unless taken at a meeting at which a majority of all members representing the party states are present and unless a majority of the total number of votes by states are cast in favor thereof.

(c) The Board shall have a seal.

(d) The Board shall elect annually, from among its members, a chairman, a vice-chairman, and a treasurer. The Board shall appoint an Executive Director who shall serve at its pleasure and who shall also act as secretary, and who, together with the treasurer, shall be bonded in such amounts as the Board may require.

(e) The Executive Director, with the approval of the Board, shall appoint and remove or discharge such personnel as may be necessary for the performance of the Board's functions irrespective of the civil service, personnel, or other merit system laws of any of the party states.

(f) The Board may establish and maintain, independently or in conjunction with any one or more of the party states, a suitable retirement system for its full-time employees. Employees of the Board shall be eligible for social security coverage in respect of old age and survivors insurance provided that the Board takes such steps as may be necessary pursuant to Federal law to participate in such program of insurance as a governmental agency or unit. The Board may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

(g) The Board may borrow, accept, or contract for the services of personnel from any state or the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, person, firm, or corporation.

(h) The Board may accept for any of its purposes and functions under this compact any and all donations and grants of money, equipment, supplies, materials, and services (conditional or otherwise) from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm, or corporation and may receive, utilize, and dispose of the same.

(i) The Board may establish and maintain such facilities as may be necessary for the transacting of its business. The Board may acquire, hold, and convey real and personal property and any interest therein.

(j) The Board shall adopt bylaws, rules, and regulations in convenient form and shall also file a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

(k) The Board annually shall make to the Governor of each party state a report covering the activities of the Board for the preceding year, and embodying such recommendations as may have been adopted by the Board, which report shall be transmitted to the legislature of said State. The Board may issue such additional reports as it may deem desirable.

Article III—FINANCES.

(a) The Board shall submit to the executive head or designated officer or officers of each state a budget of its estimated expenditures for such period as may be required by the laws of that jurisdiction for presentation to the legislature thereof.

(b) Each of the Board's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. One-half of the total amount of each budget of estimated expenditures shall be apportioned among the party states in equal shares; one-quarter of each such budget shall be apportioned among the party states in accordance with the ratio of their populations to the total population of the entire group of party states based on the last decennial census; and one-quarter of each such budget shall be apportioned among the party states on the basis of the relative average per capita income of the inhabitants in each of the party states based on the latest computations published by the Federal census-taking agency. Subject to appropriation by their respective legislatures, the Board shall be provided with such funds by each of the party states as are necessary to provide the means of establishing and maintaining facilities, a staff or personnel, and such activities as may be necessary to fulfill the powers and duties imposed upon and entrusted to the Board.

(c) The Board may meet any of its obligations in whole or in part with funds available to it under Article II(h) of this compact, provided that the Board takes specific action setting aside such funds prior to the incurring of any obligation to be met in whole or in part in this manner. Except where the Board makes use of funds available to it under Article II(h), the Board shall not incur any obligation prior to the allotment of funds by the party jurisdictions adequate to meet the same.

(d) The Board shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Board shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Board shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual report of the Board.

(e) The accounts of the Board shall be open at any reasonable time for inspection.

Article IV—ADVISORY COMMITTEES.

The Board may establish such advisory and technical committees as it may deem necessary, membership on which to include but not be limited to private citizens, expert and lay personnel, representatives of industry, labor, commerce, agriculture, civic associations, medicine, education, voluntary health agencies, and officials of local, state, and Federal Government, and may cooperate with and use the services of any such commit-

tees and the organizations which they represent in furthering any of its activities under this compact.

Article V—POWERS.

The Board shall have power to:

(a) Ascertain and analyze on a continuing basis the position of the South with respect to energy and energy-related industries and environmental concerns.

(b) Encourage the development, conservation, and responsible use of energy and energy-related facilities, installations, and products as part of a balanced economy and a healthy environment.

(c) Collect, correlate, and disseminate information relating to civilian uses of energy and energy-related materials and products.

(d) Conduct, or cooperate in conducting, programs of training for state and local personnel engaged in any aspect of:

(1) Energy, environment, and application of energy, environmental, and related concerns to industry, medicine, education, or the promotion or regulation thereof.

(2) The formulation or administration of measures designed to promote safety in any manner related to the development, use, or disposal of energy and energy-related materials, products, installations, or wastes.

(e) Organize and conduct, or assist and cooperate in organizing and conducting, demonstrations of energy product, material, or equipment use and disposal and of proper techniques or processes for the application of energy resources to the civilian economy or general welfare.

(f) Undertake such non-regulatory functions with respect to resources of radiation as may promote the economic development and general welfare of the region.

(g) Study industrial, health, safety, and other standards, laws, codes, rules, regulations, and administrative practices in or related to energy and environmental fields.

(h) Recommend such changes in, or amendments or additions to the laws, codes, rules, regulations, administrative procedures, and practices or ordinances of the party states in any of the fields of its interest and competence as in its judgment may be appropriate. Any such recommendation shall be made through the appropriate state agency with due consideration of the desirability of uniformity but shall also give appropriate weight to any special circumstances which may justify variations to meet local conditions.

(i) Prepare, publish, and distribute (with or without charge) such reports, bulletins, newsletters or other material as it deems appropriate.

(j) Cooperate with the United States Department of Energy or any agency successor thereto, any other officer or agency of the United States, and any other governmental unit or agency or officer thereof, and with any private persons or agencies in any of the fields of its interest.

(k) Act as licensee of the United States Government or any party state with respect to the conduct of any research activity requiring such license and operate such research facility or undertake any program pursuant thereto.

(l)(1) Ascertain from time to time such methods, practices, circumstances, and conditions as may bring about the prevention and control of energy and environmental incidents in the area comprising the party states, to coordinate the environmental and other energy-related incident prevention and control plans and the work relating thereto of the appropriate agencies of the party states and to facilitate the rendering of aid by the party states to each other in coping with energy and environmental incidents.

(2) The Board may formulate and, in accordance with need from time to time, revise a regional plan or regional plans for coping with energy and environmental incidents within the territory of the party states as a whole or within any subregion or subregions of the geographic area covered by this compact.

Article VI—SUPPLEMENTARY AGREEMENTS.

(a) To the extent that the Board has not undertaken any activity or project which would be within its power under the provisions of Article V of this compact, any two or more of the party states (acting by their duly constituted administrative officials) may enter into supplementary agreements for the undertaking and continuance of such an activity or project. Any such agreement shall specify its purpose or purposes; its duration and the procedure for termination thereof or withdrawal therefrom; the method of financing and allocating the costs of the activity or project; and such other matters as may be necessary or appropriate. No such supplementary agreement entered into pursuant to this article shall become effective prior to its submission to and approval by the Board. The Board shall give such approval unless it finds that the supplementary agreement or the activity or project contemplated thereby is inconsistent with the provisions of this compact or a program of activity conducted by or participated in by the Board.

(b) Unless all of the party states participate in a supplementary agreement, any cost or costs thereof shall be borne separately by the states party thereto. However, the Board may administer or otherwise assist in the operation of any supplementary agreement.

(c) No party to a supplementary agreement entered into pursuant to this article shall be relieved thereby of any obligation or duty assumed by said party state under or pursuant to this compact, except that timely and proper performance of such obligation or duty by means of the supplementary agreement may be offered as performance pursuant to the compact.

Article VII—OTHER LAWS AND RELATIONSHIPS.

Nothing in this compact shall be construed to:

(a) Permit or require any person or other entity to avoid or refuse compliance with any law, rule, regulation, order, or ordinance of a party state or subdivision thereof now or hereafter made, enacted, or in force.

(b) Limit, diminish, or otherwise impair jurisdiction exercised by the United States Department of Energy, any agency successor thereto, or any other Federal department, agency, or officer pursuant to and in conformity with any valid and operative Act of Congress.

(c) Alter the relations between and respective internal responsibilities of the government of a party state and its subdivisions.

(d) Permit or authorize the Board to exercise any regulatory authority or to own or operate any nuclear reactor for the generation of electric energy; nor shall the Board own or operate any facility or installation for industrial or commercial purposes.

Article VIII—ELIGIBLE PARTIES, ENTRY INTO FORCE AND WITHDRAWAL.

(a) Any or all of the states of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, any state contiguous to any of the foregoing states, the Commonwealth of Puerto Rico, and the Virgin Islands of the United States shall be eligible to become party to this compact.

(b) As to any eligible party state, this compact shall become effective when its legislature shall have enacted the same into law; Provided, that it shall not become initially effective until enacted into law by seven states.

(c) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall become effective until the governor of the withdrawing state shall have sent formal notice in writing to the governor of each other party state informing said governors of the action of the legislature in repealing the compact and declaring an intention to withdraw.

Article IX—SEVERABILITY AND CONSTRUCTION.

The provisions of this compact and of any supplementary agreement entered into hereunder shall be severable and if any phrase, clause, sentence, or provision of this compact or such supplementary agreement is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact or such supplementary agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact or any supplementary agreement entered into hereunder shall be held contrary to the constitution of any state participating therein, the compact or such supplementary agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. The provisions of this compact and of any supplementary agreement entered into pursuant hereto shall be liberally construed to effectuate the purposes thereof. (V.A.C.S. Art. 4413c-1, Sec. 1.)

Sec. 761.002. MEMBERS OF BOARD. (a) The governor, lieutenant governor, and speaker shall each make one appointment to the Southern States Energy Board.

(b) The lieutenant governor shall appoint a member of the senate.

(c) The speaker shall appoint a member of the house of representatives.

(d) A member serves at the pleasure of the officer who appointed the member.

(e) A member who is a member of the legislature or the head of a state department or agency may designate a subordinate officer or employee of the department, agency, or legislative house to serve instead of the member as permitted by Article II(a) of the compact and in conformity with the bylaws of the board. (V.A.C.S. Art. 4413c-1, Sec. 2.)

Sec. 761.003. COORDINATION OF ENERGY ACTIVITIES. (a) Each board member shall assist in the coordination of energy activities in this state.

(b) A board member may assist in the orderly development of energy knowledge in this state. (V.A.C.S. Art. 4413c-1, Secs. 3(a), (c).)

Sec. 761.004. MEMBERSHIP DUES. Membership dues to the board shall be paid from appropriations made to the office of the governor. (V.A.C.S. Art. 4413c-1, Sec. 3a.)

Sec. 761.005. BUDGETS. The board shall submit its budgets of estimated expenditures to the governor and the Legislative Budget Board for presentation to the legislature. (V.A.C.S. Art. 4413c-1, Sec. 4.)

Sec. 761.006. ENERGY ADVISORY COMMITTEE. (a) The governor may appoint an Energy Advisory Committee to consult and advise in the coordination of energy activities.

(b) The committee may not be composed of more than 15 members. Two persons must be members of the senate, and two must be members of the house of representatives. The remaining members must be Texas citizens who, because of their positions, training, and experience, are knowledgeable and competent in fields related to the development and use of energy material or products. (V.A.C.S. Art. 4413c-1, Sec. 3(b).)

Sec. 761.007. COOPERATION WITH BOARD. The departments, agencies, and officers of this state and its subdivisions may cooperate with the board in any of its activities. (V.A.C.S. Art. 4413c-1, Sec. 6.)

Sec. 761.008. APPLICATION OF SUNSET ACT. The office of Southern States Energy Board Members for Texas is subject to Chapter 325 (Texas Sunset Act) Unless continued in existence as provided by that chapter, the office is abolished, and this chapter expires September 1, 1995. (V.A.C.S. Art. 4413c-1, Sec. 2a.)

CHAPTER 762. COMMISSION ON UNIFORM STATE LAWS

Sec. 762.001. DEFINITIONS

Sec. 762.002. DUTIES OF COMMISSION

Sec. 762.003. COMPOSITION OF COMMISSION; TERMS

Sec. 762.004. ELIGIBILITY FOR APPOINTMENT; LOBBYIST RESTRICTION

Sec. 762.005. DUTIES OF COMMISSIONERS

Sec. 762.006. VACANCY; EXPIRATION OF TERM
Sec. 762.007. SUNSET ACT APPLICABILITY
Sec. 762.008. GROUNDS FOR REMOVAL
Sec. 762.009. MEETING AND ELECTION OF OFFICERS
Sec. 762.010. COMPENSATION
Sec. 762.011. SUPPORT SERVICES

CHAPTER 762. COMMISSION ON UNIFORM STATE LAWS

Sec. 762.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Commission on Uniform State Laws.

(2) "National conference" means the National Conference of Commissioners on Uniform State Laws. (New.)

Sec. 762.002. DUTIES OF COMMISSION. (a) The commission shall:

(1) promote the uniform judicial interpretation of all uniform laws; and

(2) before January 1 of each odd-numbered year, submit a biennial report to the legislature that contains an account of the commission's transactions and its advice and recommendations for legislation.

(b) The commission may supplement the report. (V.A.C.S. Art. 1273b, Sec. 4 (part).)

Sec. 762.003. COMPOSITION OF COMMISSION; TERMS. (a) The commission is composed of:

(1) six members appointed by the governor; and

(2) residents of this state who, because of long service in the cause of uniformity in state legislation, have been elected life members of the national conference.

(b) Appointments to the commission shall be made without regard to the race, creed, sex, religion, or national origin of the appointees.

(c) Appointed members serve staggered six-year terms, with the terms of two members expiring September 30 of each even-numbered year. (V.A.C.S. Art. 1273b, Secs. 1(a) (part), (c).)

Sec. 762.004. ELIGIBILITY FOR APPOINTMENT; LOBBYIST RESTRICTION. (a) To be eligible for appointment to the commission, a person must be an attorney licensed to practice law.

(b) At least one of the commissioners, at the time of that commissioner's appointment, must be a state judge.

(c) At least one of the commissioners, at the time of that commissioner's appointment, must be a legal educator.

(d) A person required to register as a lobbyist under Chapter 305 because of the person's activities for compensation in or on behalf of a profession related to the operation of the commission may not serve as a commissioner or act as general counsel to the commission. (V.A.C.S. Art. 1273b, Secs. 1(a) (part), (b), (d).)

Sec. 762.005. DUTIES OF COMMISSIONERS. Each commissioner shall:

(1) promote uniformity in state laws in subject areas in which uniformity is desirable and practicable; and

(2) attend national conference meetings. (V.A.C.S. Art. 1273b, Sec. 4 (part).)

Sec. 762.006. VACANCY; EXPIRATION OF TERM. (a) The office of an appointed commissioner becomes vacant on the death, resignation, failure or refusal to serve, or removal of the commissioner.

(b) The governor shall fill a vacancy by appointing a person to the commission for the unexpired term of the commissioner vacating the office.

(c) On the vacancy or expiration of the term of office of an appointed commissioner, the governor shall appoint a state judge or legal educator if the appointment is required by Section 762.004(b) or (c). (V.A.C.S. Art. 1273b, Secs. 1(e); 2.)

Sec. 762.007. **SUNSET ACT APPLICABILITY.** The commission is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 1995. (V.A.C.S. Art. 1273b, Sec. 1a.)

Sec. 762.008. **GROUND FOR REMOVAL.** (a) It is a ground for removal from the commission if a member:

- (1) did not have, at the time of appointment or election, the qualifications required by Section 762.004;
- (2) does not maintain the qualifications required by Section 762.004;
- (3) is prohibited from serving as a commissioner under Section 762.004(d); or
- (4) is ineligible to participate in activities of the national conference.

(b) The validity of an action of the commission is not affected because it is taken when a member is subject to removal. (V.A.C.S. Art. 1273b, Sec. 2a.)

Sec. 762.009. **MEETING AND ELECTION OF OFFICERS.** (a) The commission shall meet at least once every two years.

(b) The commissioners shall elect a chairman and secretary, who shall each hold office for a term of two years. (V.A.C.S. Art. 1273b, Sec. 3(a).)

Sec. 762.010. **COMPENSATION.** A commissioner serves without compensation but is entitled to be reimbursed for reasonable expenses incurred in the performance of the commissioner's duties. (V.A.C.S. Art. 1273b, Sec. 5.)

Sec. 762.011. **SUPPORT SERVICES.** The Texas Legislative Council shall provide accounting, clerical, and other support services necessary for the commission to carry out its duties. (V.A.C.S. Art. 1273b, Sec. 7.)

CHAPTER 763. AGREEMENTS BETWEEN BORDER MUNICIPALITIES

Sec. 763.001. **DEFINITIONS**

Sec. 763.002. **AGREEMENT BETWEEN MUNICIPALITIES**

Sec. 763.003. **TERMS OF AGREEMENT OR CONTRACT**

Sec. 763.004. **PERFORMANCE OF PUBLIC AGENCY OBLIGATION**

Sec. 763.005. **FILING WITH COUNTY REQUIRED**

CHAPTER 763. AGREEMENTS BETWEEN BORDER MUNICIPALITIES

Sec. 763.001. **DEFINITIONS.** In this chapter:

(1) "Adjoining municipality" means a municipality in an adjoining state that is contiguous to a border municipality.

(2) "Border municipality" means a municipality in this state that borders the state line and that is separated from a municipality in an adjoining state only by the state line. (V.A.C.S. Art. 969e, Sec. 1 (part); New.)

Sec. 763.002. **AGREEMENT BETWEEN MUNICIPALITIES.** A border municipality may agree with an adjoining municipality to:

- (1) furnish to, or receive from, the adjoining municipality services or facilities;
- (2) jointly or cooperatively furnish a governmental service or facility; or
- (3) exercise any authority of the border municipality, to the extent that the adjoining municipality may cooperate or act jointly. (V.A.C.S. Art. 969e, Secs. 1, 2.)

Sec. 763.003. **TERMS OF AGREEMENT OR CONTRACT.** (a) An agreement or contract authorized by this chapter must specify:

- (1) the purpose and duration of the agreement or contract;
- (2) the manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget for the undertaking;

- (3) any financial arrangement under the agreement or contract in which one municipality agrees to furnish specified services or facilities to another municipality;
 - (4) the precise organization, composition, nature, and powers of any separate legal or administrative entity created under the agreement or contract;
 - (5) appropriate methods of enforcement;
 - (6) the method for terminating the agreement or contract, in whole or in part, and for disposing of property on termination; and
 - (7) any other necessary and proper matters.
- (b) A separate legal or administrative entity may not be created under an agreement or contract authorized by this chapter if the creation of the entity violates any other law.
- (c) If the agreement between the municipalities does not establish a separate entity to conduct the joint or cooperative undertaking, the agreement must provide for:
- (1) an administrator or joint board to administer the undertaking; and
 - (2) the manner of acquiring, holding, and disposing of any property used in the undertaking.
- (d) If the agreement provides for a joint board, each municipality that is a party to the agreement must be represented. (V.A.C.S. Art. 969e, Secs. 3, 4.)
- Sec. 763.004. **PERFORMANCE OF PUBLIC AGENCY OBLIGATION.** (a) An agreement under this chapter does not relieve a public agency of any legal obligation.
- (b) Actual and timely performance of a legal obligation of a public agency by an adjoining municipality or an entity created by an agreement or contract under this chapter may be offered in satisfaction of the obligation. (V.A.C.S. Art. 969e, Sec. 5.)
- Sec. 763.005. **FILING WITH COUNTY REQUIRED.** An agreement under this chapter is not effective until a copy of the agreement is filed with the county clerk of the county in which the border municipality is located. (V.A.C.S. Art. 969e, Sec. 6.)

[Chapters 764–770 reserved for expansion]

CHAPTER 771. INTERAGENCY COOPERATION ACT

- Sec. 771.001. **SHORT TITLE**
- Sec. 771.002. **DEFINITIONS**
- Sec. 771.003. **AUTHORITY TO CONTRACT; EXCEPTIONS**
- Sec. 771.004. **CONTRACT REQUIREMENTS; EXCEPTIONS**
- Sec. 771.005. **STANDARDS FOR COMMISSION REVIEW**
- Sec. 771.006. **EQUIPMENT PURCHASES AND SUBCONTRACTS**
- Sec. 771.007. **REIMBURSEMENT AND ADVANCEMENT OF COSTS**
- Sec. 771.008. **PAYMENT PROCEDURES**
- Sec. 771.009. **COMMISSION REPORT**
- Sec. 771.010. **EXCEEDING AUTHORITY PROHIBITED**

CHAPTER 771. INTERAGENCY COOPERATION ACT

- Sec. 771.001. **SHORT TITLE.** This chapter may be cited as the Interagency Cooperation Act. (V.A.C.S. Art. 4413(32), Sec. 1.)
- Sec. 771.002. **DEFINITIONS.** In this chapter:
- (1) "Agency" includes:
 - (A) a department, board, bureau, commission, court, office, authority, council, or institution;
 - (B) a university, college, or any service or part of a state institution of higher education; and
 - (C) any statewide job or employment training program for disadvantaged youth that is substantially financed by federal funds and that was created by executive order not later than December 30, 1986.

(2) "Commission" means the State Purchasing and General Services Commission.

(3) "Resources" means materials, equipment, and supplies.

(4) "Services" means special or technical services, including the services of employees. (V.A.C.S. Art. 4413(32), Sec. 2; New.)

Sec. 771.003. **AUTHORITY TO CONTRACT; EXCEPTIONS.** (a) A state agency may agree or contract with another state agency for the furnishing of necessary and authorized services and resources.

(b) A state agency may not construct a highway, road, building, or other structure for another agency under this chapter, except that the State Department of Highways and Public Transportation may enter into an interagency agreement with a state college, university, or public junior college providing for the maintenance, improvement, relocation, or extension of existing on-campus streets, parking lots, and access-ways.

(c) A state agency may not supply services or resources to another agency that are required by Article XVI, Section 21, of the Texas Constitution to be supplied under contract given to the lowest responsible bidder. (V.A.C.S. Art. 4413(32), Sec. 3 (part).)

Sec. 771.004. **CONTRACT REQUIREMENTS; EXCEPTIONS.** (a) Before a state agency may furnish or receive a service or resource under this chapter, the agency must have entered into a written agreement or contract that has been approved by the administrator of each agency that is a party to the agreement or contract and by the commission.

(b) The agreement or contract must specify:

(1) the kind and amount of services or resources to be furnished;

(2) the basis for computing reimbursable costs; and

(3) the maximum cost during the period of the agreement or contract.

(c) A written agreement or contract and advance approval by the commission are not required:

(1) in an emergency for the defense or safety of the civil population or in the planning and preparation for those emergencies;

(2) in cooperative efforts, proposed by the governor, for the economic development of the state; or

(3) in a situation in which the amount involved is less than \$2,500. (V.A.C.S. Art. 4413(32), Sec. 4.)

Sec. 771.005. **STANDARDS FOR COMMISSION REVIEW.** (a) In reviewing a proposed agreement or contract under this chapter, the commission shall consider whether:

(1) the services and resources specified are necessary for activities that are within the statutory functions and programs of the affected agencies;

(2) the proposed arrangements serve the interests of the efficient and economical administration of state government; and

(3) the specified bases for reimbursing actual costs are fair, realistic, and in conformity with the limitations of funds prescribed by the appropriations act or other applicable statutes.

(b) In reviewing a proposed agreement or contract under this chapter, the commission may also consider other factors. (V.A.C.S. Art. 4413(32), Sec. 5 (part).)

Sec. 771.006. **EQUIPMENT PURCHASES AND SUBCONTRACTS.** A contract under this chapter may permit a furnishing agency to subcontract and purchase equipment to the extent considered appropriate by the commission. (V.A.C.S. Art. 4413(32), Sec. 3 (part).)

Sec. 771.007. **REIMBURSEMENT AND ADVANCEMENT OF COSTS.** (a) A state agency that receives services or resources under this chapter shall reimburse each state agency supplying the services or resources the actual cost of furnishing the services or resources, or the nearest practicable estimate of that cost, unless the services or resources are furnished:

(1) for national defense or disaster relief; or

(2) in cooperative efforts, proposed by the governor, to promote the economic development of the state.

(b) A state agency that receives services or resources under this chapter may advance federal funds to a state agency supplying the services or resources if the agency receiving the services or resources determines that the advance would facilitate the implementation of a federally funded program. (V.A.C.S. Art. 4413(32), Sec. 3 (part).)

Sec. 771.008. PAYMENT PROCEDURES. (a) An agency shall pay for services or resources received under this chapter with a voucher payable to the furnishing agency. The voucher must be drawn on the appropriation item or account of the receiving agency from which the agency would ordinarily make expenditures for similar services or resources.

(b) A payment received by an agency for services or resources furnished under this chapter shall be credited to the appropriation items or accounts from which the agency's expenditures for the furnished services or resources were made.

(c) A payment for an intraagency transaction is accounted for in the same manner as an interagency transaction or an interdivisional transfer of money on the records of the agency, subject to the applicable provisions of the General Appropriations Act. (V.A.C.S. Art. 4413(32), Sec. 6.)

Sec. 771.009. COMMISSION REPORT. (a) The commission shall include in its annual report a summary of all agreements or contracts entered into by agencies under this chapter during the fiscal year covered by the report that total more than \$100.

(b) The summary of each agreement or contract must include:

(1) a description of the purpose of the agreement or contract;

(2) the names of the agencies involved;

(3) the period covered by the agreement or contract; and

(4) the amount of reimbursement. (V.A.C.S. Art. 4413(32), Sec. 7.)

Sec. 771.010. EXCEEDING AUTHORITY PROHIBITED. A state agency may not enter into an agreement or contract that requires or permits the agency to exceed its duties and responsibilities or the limitations of its appropriated funds. (V.A.C.S. Art. 4413(32), Sec. 5 (part).)

CHAPTER 772. GOVERNMENTAL PLANNING

Sec. 772.001. PLANNING AS GOVERNMENTAL PURPOSE AND FUNCTION

Sec. 772.002. CHIEF PLANNING OFFICER

Sec. 772.003. INTERAGENCY PLANNING COUNCILS

Sec. 772.004. GOVERNOR'S DIVISION OF PLANNING COORDINATION

Sec. 772.005. NOTIFICATION OF PLANNING COORDINATION DIVISION BY
STATE AGENCY

Sec. 772.006. GOVERNOR'S CRIMINAL JUSTICE DIVISION

CHAPTER 772. GOVERNMENTAL PLANNING

Sec. 772.001. PLANNING AS GOVERNMENTAL PURPOSE AND FUNCTION. Planning is a governmental purpose and function of the state and agencies and political subdivisions of the state. (V.A.C.S. Art. 4413(32a), Sec. 1.)

Sec. 772.002. CHIEF PLANNING OFFICER. The governor is the chief planning officer of the state. (V.A.C.S. Art. 4413(32a), Sec. 2.)

Sec. 772.003. INTERAGENCY PLANNING COUNCILS. (a) The governor shall appoint interagency planning councils in functional areas of government, including natural resources, health, education, and other areas that may require coordinated planning efforts.

(b) Each council shall coordinate joint planning efforts in its functional area.

(c) Each council is composed of:

- (1) a member of the governor's office; and
- (2) the administrative head of each state agency, department, or institution of higher education that is represented on that council.

(d) Two or more councils may participate jointly in studies that provide information common to their planning efforts. (V.A.C.S. Art. 4413(32a), Secs. 3, 4(b)(1) (part).)

Sec. 772.004. GOVERNOR'S DIVISION OF PLANNING COORDINATION. (a) The governor shall establish a division of planning coordination within the governor's office.

(b) The division shall coordinate the activities of the interagency planning councils.

(c) The division is the state clearinghouse for all state agency applications for federal grant or loan assistance.

(d) The division may provide for the review of and comment on:

(1) any state plan of a state agency that is required as a condition of federal assistance; and

(2) any application by a state agency for federal grant or loan assistance.

(e) The division shall establish policies and guidelines for an effective review and comment process under this section and cooperate with the Legislative Budget Board in developing the information requirements relating to the review and comment process. (V.A.C.S. Art. 4413(32a), Secs. 4(a); (b)(1) (part), (2) (part), (3), (4), (5).)

Sec. 772.005. NOTIFICATION OF PLANNING COORDINATION DIVISION BY STATE AGENCY. A state agency shall notify the division of planning coordination of each application for federal grant or loan assistance before the agency submits the application. (V.A.C.S. Art. 4413(32a), Sec. 4(b)(2) (part).)

Sec. 772.006. GOVERNOR'S CRIMINAL JUSTICE DIVISION. (a) The governor shall establish a criminal justice division in the governor's office to:

(1) advise and assist the governor in developing policies, plans, programs, and proposed legislation for improving the coordination, administration, and effectiveness of the criminal justice system;

(2) administer the criminal justice planning fund;

(3) prepare a state comprehensive criminal justice plan, to update the plan annually based on an analysis of the state's criminal justice problems and needs, and to encourage identical or substantially similar local and regional comprehensive criminal justice planning efforts;

(4) establish goals, priorities, and standards for programs and projects to improve the administration of justice and the efficiency of law enforcement, the judicial system, prosecution, criminal defense, and adult and juvenile corrections and rehabilitation;

(5) award grants to state agencies, units of local government, school districts, and private, nonprofit corporations from the criminal justice planning fund for programs and projects on consideration of the goals, priorities, and standards recommended by the Criminal Justice Policy Council;

(6) apply for, obtain, and allocate for the purposes of this section any federal or other funds which may be made available for programs and projects that address the goals, priorities, and standards established in local and regional comprehensive criminal justice planning efforts or assist those efforts;

(7) administer the funds provided by this section in such a manner as to ensure that grants received under this section do not supplant state or local funds;

(8) establish procedures and policies that require that the costs of programs and projects funded to local general purpose units of government be assumed over a period of five years out of local revenues;

(9) monitor and evaluate programs and projects funded under this section, cooperate with and render technical assistance to state agencies and local governments seeking to reduce crime or enhance the performance and operation of the criminal justice system,

and collect from any state or local government entity information, data, statistics, or other material necessary to carry out the purposes of this section;

(10) submit a biennial report to the legislature reporting the division's activities during the preceding biennium including the comprehensive state criminal justice plans and other studies, evaluations, crime data analyses, reports, or proposed legislation that the governor determines appropriate or the legislature requests; and

(11) perform other duties as necessary to carry out the duties listed in Subdivisions (a)(1) through (a)(10) and adopt rules and procedures as necessary.

(b) The governor shall appoint a director for the division to serve at the pleasure of the governor.

(c) The criminal justice division and any project funded by the division is subject to examination, inspection, and audit by the State Auditor's Office, the Legislative Budget Board, and the division of planning coordination to determine compliance with this section and the approved annual comprehensive criminal justice plans. (V.A.C.S. Art. 4413(32a), Secs. 6(a) and (b), 8.)

CHAPTER 773. COORDINATION OF REGULATORY AGENCY INFORMATION GATHERING

Sec. 773.001. DEFINITION

Sec. 773.002. PROCEDURE BEFORE GATHERING NEW INFORMATION

Sec. 773.003. DUTY TO RELEASE INFORMATION

Sec. 773.004. COORDINATION OF INFORMATION GATHERING

CHAPTER 773. COORDINATION OF REGULATORY AGENCY INFORMATION GATHERING

Sec. 773.001. DEFINITION. In this chapter, "regulatory agency" means an agency, including a department, commission, board, or office that:

- (1) is created by the constitution or by statute;
- (2) is in the executive branch of state government;
- (3) has statewide authority; and

(4) has authority to grant, deny, renew, suspend, or revoke a license, permit, certificate, registration, or other form of permission to engage in an occupation or to operate a business. (V.A.C.S. Art. 4413(34a), Sec. 1.)

Sec. 773.002. PROCEDURE BEFORE GATHERING NEW INFORMATION. A regulatory agency may inspect, survey, or investigate a person regulated by the agency or require the person to file a report only if the executive head of the agency determines that the agency's need for the information concerning the person is not substantially satisfied by information previously gathered by the agency or another regulatory agency. (V.A.C.S. Art. 4413(34a), Sec. 2(a).)

Sec. 773.003. DUTY TO RELEASE INFORMATION. The executive head of a regulatory agency, on request, shall release to the executive head of another regulatory agency any information about a regulated person that the agency gathers in an inspection, survey, or investigation of the person or in a report filed by the person if the information is:

- (1) not made confidential by statute; and
- (2) within the requesting regulatory agency's jurisdiction. (V.A.C.S. Art. 4413(34a), Sec. 2(b).)

Sec. 773.004. COORDINATION OF INFORMATION GATHERING. The executive head of a regulatory agency shall coordinate the agency's inspections, surveys, investigations, and reporting requirements within the agency and with other regulatory agencies to avoid the duplication of those functions. (V.A.C.S. Art. 4413(34a), Sec. 2(c).)

[Chapters 774–780 reserved for expansion]

CHAPTER 781. TEXAS DEPARTMENT OF COMMUNITY AFFAIRS

- Sec. 781.001. DEFINITIONS
- Sec. 781.002. ESTABLISHMENT OF DEPARTMENT; SUNSET ACT APPLICABILITY
- Sec. 781.003. DEPARTMENT DUTIES
- Sec. 781.004. ENERGY SERVICES PROGRAM FOR LOW-INCOME PEOPLE
- Sec. 781.005. OFFICES
- Sec. 781.006. APPOINTMENT OF EXECUTIVE DIRECTOR
- Sec. 781.007. GENERAL DUTIES OF DIRECTOR
- Sec. 781.008. LOBBYIST RESTRICTION
- Sec. 781.009. DEPARTMENT ORGANIZATION
- Sec. 781.010. CAREER LADDER
- Sec. 781.011. PERFORMANCE EVALUATIONS
- Sec. 781.012. EQUAL EMPLOYMENT OPPORTUNITY PLAN
- Sec. 781.013. EMPLOYEE TRANSFERS AND LOAN AGREEMENTS; AGENCY CO-OPERATION
- Sec. 781.014. GENERAL INFORMATION; COMPLAINTS
- Sec. 781.015. FUNDS
- Sec. 781.016. ADVISORY COUNCIL ON COMMUNITY AFFAIRS
- Sec. 781.017. SPECIAL ADVISORY COUNCILS
- Sec. 781.018. COUNCIL MEMBERSHIP; ADDITIONAL DUTY
- Sec. 781.019. MULTIPURPOSE HUMAN RESOURCE SERVICE CENTERS; FUND

CHAPTER 781. TEXAS DEPARTMENT OF COMMUNITY AFFAIRS

Sec. 781.001. DEFINITIONS. In this chapter:

- (1) "Department" means the Texas Department of Community Affairs.
- (2) "Director" means the executive director of the department.
- (3) "Local government" means a county, municipality, special district, any other political subdivision of the state, or a combination of political subdivisions. (V.A.C.S. Art. 4413(201), Sec. 2.)

Sec. 781.002. ESTABLISHMENT OF DEPARTMENT; SUNSET ACT APPLICABILITY. (a) The Texas Department of Community Affairs is an agency of the state.

(b) The department is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and this chapter expires September 1, 1995. (V.A.C.S. Art. 4413(201), Secs. 3, 3a.)

Sec. 781.003. DEPARTMENT DUTIES. (a) The department shall:

- (1) maintain communications with local governments and act as an advocate of local governments at the state and federal levels;
- (2) assist local governments in providing essential public services for their citizens and in overcoming financial, social, and environmental problems;
- (3) assist local governments with advisory and technical services;
- (4) provide financial aid to local governments and combinations of local governments for programs that are authorized to receive the assistance;
- (5) act as an information center and referral agency on state and federal services and programs affecting local government;
- (6) administer, conduct, or jointly sponsor educational and training programs for local government officials;
- (7) research problems of general concern to local governments;
- (8) collect, publish, and disseminate information useful to local government, including data on local governmental finances and employment, housing, population characteristics, and land use patterns;

- (9) encourage cooperative action by local governments;
- (10) inform the governor and the legislature regarding local government affairs and make recommendations for necessary action and inform state officials and the public on a continuing basis about the needs of local government;
- (11) assist the governor and the legislature in the coordination of federal and state activities affecting local governments;
- (12) adopt rules necessary to carry out programs and responsibilities assigned to the department by the legislature or the governor; and
- (13) perform other duties concerning local government assigned to the department by the legislature or the governor.

(b) The department shall administer state responsibilities for:

- (1) programs created under the Economic Opportunity Act of 1964, 42 U.S.C. Section 2701 et seq. (1964);
- (2) programs assigned to the department in accordance with the Omnibus Budget Reconciliation Act of 1981, Pub. L. No. 97-35, 95 Stat. 357 (1981); and
- (3) other federal economic opportunity programs. (V.A.C.S. Art. 4413(201), Secs. 1, 4 (part).)

Sec. 781.004. **ENERGY SERVICES PROGRAM FOR LOW-INCOME PEOPLE.** (a) The Energy Services Program for Low-Income People is created in the department to operate in conjunction with the community service block grant.

(b) The program shall administer the following elements of the state low-income energy assistance program, regardless of their funding sources:

- (1) the energy crisis intervention program; and
- (2) the weatherization program. (V.A.C.S. Art. 4413(201), Sec. 13d(a).)

Sec. 781.005. **OFFICES.** The department shall maintain suitable headquarters and maintain offices in the state as determined necessary by the director for the department's operation. (V.A.C.S. Art. 4413(201), Sec. 4 (part).)

Sec. 781.006. **APPOINTMENT OF EXECUTIVE DIRECTOR.** (a) The governor, with the advice and consent of the senate, shall appoint an executive director to serve as the department's executive and administrative officer.

(b) The director must be a person qualified by training and experience to perform the duties of the office.

(c) The director serves at the will of the governor during the governor's term of office and receives a salary in an amount set by the governor within authorized appropriations.

(d) The governor shall establish a procedure to designate an acting director to serve in the absence or disability of the director.

(e) If the office of director is vacated, the governor shall immediately designate an acting director or a permanent director. (V.A.C.S. Art. 4413(201), Secs. 5(a) (part), 8.)

Sec. 781.007. **GENERAL DUTIES OF DIRECTOR.** The director shall:

- (1) administer the work of the department;
- (2) hire and remove department staff;
- (3) submit through and with the approval of the governor requests for appropriations and other money to operate the department;
- (4) administer department finances;
- (5) organize department work consistent with this chapter to promote the efficient and effective operation of the department;
- (6) report annually to the governor and the legislature on the department's operations and at other times as required by the governor or the legislature; and
- (7) perform other duties required by law or assigned by the governor. (V.A.C.S. Art. 4413(201), Sec. 5(a) (part).)

Sec. 781.008. LOBBYIST RESTRICTION. A person may not serve as the director of or act as general counsel to the department if the person is required to register as a lobbyist under Chapter 305 because of the person's activities for compensation in or on behalf of a profession related to the department's operation. (V.A.C.S. Art. 4413(201), Sec. 5a.)

Sec. 781.009. DEPARTMENT ORGANIZATION. (a) The director shall establish offices and divisions necessary to perform department duties, including offices and divisions to perform the following functions:

- (1) intergovernmental cooperation;
- (2) regional and community services;
- (3) rural community services;
- (4) housing;
- (5) research;
- (6) economic opportunity; and
- (7) education and training.

(b) The director may assign duties, provide additional offices and divisions, and reorganize the department as necessary to improve department efficiency or effectiveness. (V.A.C.S. Art. 4413(201), Sec. 9 (part).)

Sec. 781.010. CAREER LADDER. (a) The director or the director's designee shall develop a career ladder program within the department.

(b) The program must require that openings in all positions except entry level positions be posted within the department for at least 10 days before they are posted for the public. (V.A.C.S. Art. 4413(201), Sec. 5(b) (part).)

Sec. 781.011. PERFORMANCE EVALUATIONS. The director or the director's designee shall develop a system of annual performance evaluations based on measurable job tasks. Merit pay for department employees must be based on that system. (V.A.C.S. Art. 4413(201), Sec. 5(b) (part).)

Sec. 781.012. EQUAL EMPLOYMENT OPPORTUNITY PLAN. (a) The director or the director's designee shall prepare and maintain a written plan to assure implementation of a program of equal employment opportunity under which all personnel transactions are made without regard to race, color, disability, sex, religion, age, or national origin.

(b) The plan must include:

- (1) a comprehensive analysis of all employees by race, sex, ethnic origin, position classification, and salary or wage;
- (2) personnel policies, including plans for recruitment, evaluation, selection, appointment, training, and promotion;
- (3) steps reasonably designed to overcome any identified underutilization of minorities and women in the department; and
- (4) objectives, dates for the projected achievement of those objectives, and assignments of responsibility for their achievement.

(c) The plan must cover an annual period and be updated at least annually.

(d) Not later than the 30th day after April 1 and November 1 of each year, the department shall submit a progress report to the governor. The report must include a statement of the steps that the department has taken during the reporting period to comply with this section. (V.A.C.S. Art. 4413(201), Sec. 5(c).)

Sec. 781.013. EMPLOYEE TRANSFERS AND LOAN AGREEMENTS; AGENCY COOPERATION. (a) The director may enter an agreement:

- (1) to loan a department employee to another state agency or local government;
- (2) to accept an employee loaned to the department by another state agency or local government; or
- (3) for the reimbursement of costs incurred in the loan or acceptance of an employee under this subsection.

(b) A state agency or local government may agree with the department to loan an employee to the department with or without reimbursement. An employee loaned under this subsection is an employee of the lending entity for purposes of salary, leave, retirement, and other personnel benefits during the period of loan, but the employee is a department employee for all other purposes.

(c) The governor may transfer to the department personnel, equipment, records, obligations, appropriations, and duties of the appropriate divisions of the governor's office.

(d) State agencies and institutions shall provide to the department personnel, information, and technical advice as the department assists the governor in coordinating federal and state activities affecting local government. (V.A.C.S. Art. 4413(201), Secs. 9 (part), 10, 11, 12.)

Sec. 781.014. GENERAL INFORMATION; COMPLAINTS. (a) The department shall prepare information of general interest describing the department's functions and procedures for filing complaints with, and for their resolution by, the department. The department shall make the information available to the general public and appropriate state agencies.

(b) The department shall keep an information file about each complaint filed with the department relating to a department activity.

(c) If a written complaint is filed with the department relating to a department activity, the department, at least quarterly and until final disposition of the complaint, shall notify the parties to the complaint of the status of the complaint. (V.A.C.S. Art. 4413(201), Sec. 13b.)

Sec. 781.015. FUNDS. The department may receive and apply for, contract for, and expend for its purposes any appropriation or grant from the state, the federal government, or any other public or private source. (V.A.C.S. Art. 4413(201), Sec. 13.)

Sec. 781.016. ADVISORY COUNCIL ON COMMUNITY AFFAIRS. (a) An advisory council on community affairs is established in the department.

(b) The council shall consult with and advise the director regarding the affairs and problems of local government and the work of the department.

(c) The advisory council is composed of 12 members appointed by the governor with the advice and consent of the senate, as follows:

(1) three members must be elected or appointed municipal officials who serve in different municipalities;

(2) three members must be elected county officials who serve in different counties;

(3) three members must be elected or appointed officials of political subdivisions other than municipalities or counties who serve in different political subdivisions; and

(4) three members must be citizen members who are not elected or appointed officials of a political subdivision.

(d) Appointments to the council must be made without regard to the race, creed, sex, religion, or national origin of the appointees and in a manner that represents the different geographical regions of the state.

(e) Members serve staggered two-year terms with six members' terms expiring January 31 of each year.

(f) A vacancy on the council, other than by expiration of the term of office, shall be filled for the unexpired term.

(g) The council shall annually elect a chairman and a vice-chairman from among its members.

(h) A member of the council serves without compensation but is entitled to reimbursement for actual expenses incurred in the performance of the member's council duties.

(i) It is a ground for removal of a member from the council that:

(1) at the time of appointment the member did not have the qualifications required by Subsection (c); or

(2) the member did not maintain the qualifications required by Subsection (c) during the member's term of office.

(j) The council shall meet:

(1) at least three times a year at the call of the director; and

(2) at other times and places as determined by the council by resolution.

(k) The department shall furnish information, equipment, and staff to implement the work of the council within the limits of appropriations for that purpose. (V.A.C.S. Art. 4413(201), Secs. 6(a), (b), (d), (e), (f), (g), (h).)

Sec. 781.017. SPECIAL ADVISORY COUNCILS. (a) The governor, with the advice of the director, may create special advisory councils to:

(1) assist the department in formulating basic policy for the department; or

(2) advise the department on the technical aspects of programs the department administers.

(b) The governor may dissolve an advisory council on the completion of the council's purpose. (V.A.C.S. Art. 4413(201), Sec. 7.)

Sec. 781.018. COUNCIL MEMBERSHIP; ADDITIONAL DUTY. An elected or appointed official of a political subdivision who is appointed as a member of an advisory council under Section 781.016 or 781.017 shall perform the duties as a member of the advisory council as an additional or ex officio duty, and the performance of that duty does not constitute dual officeholding. (V.A.C.S. Art. 4413(201), Sec. 6(c).)

Sec. 781.019. MULTIPURPOSE HUMAN RESOURCE SERVICE CENTERS; FUND. (a) The department may establish multipurpose human resource service centers in various communities in the state to provide effective and efficient delivery of human resource services.

(b) The department may locate and lease with state funds suitable office space at the community level that is easily accessible to the client populations of human resource service delivery agencies and may make the space available to these agencies.

(c) A state or local governmental agency or private, nonprofit human resource agency that has filed a state or regional plan for delivery of human resource services with the state is eligible to locate staff in a community multipurpose human resource service center.

(d) The department shall annually report to the governor and the legislature the agencies that are locating their human resource delivery staff in community multipurpose human resource service centers and those agencies that are not.

(e) The community multipurpose human resource service center fund is in the state treasury. The fund is to be used to provide the state's share of the rental costs for the community multipurpose human resource service centers and to provide for the administrative costs of their operation. (V.A.C.S. Art. 4413(201), Sec. 13a.)

CHAPTER 782. CULTURAL BASIN ACT

Sec. 782.001. SHORT TITLE

Sec. 782.002. PURPOSE

Sec. 782.003. DEFINITIONS

Sec. 782.004. CREATION

Sec. 782.005. GREATER SOUTH TEXAS CULTURAL BASIN

Sec. 782.006. COMMISSION

Sec. 782.007. COMMISSION MEMBERSHIP

Sec. 782.008. DUTIES OF CERTAIN COMMISSION MEMBERS

Sec. 782.009. FUNCTIONS OF COMMISSION

Sec. 782.010. ASSISTANCE BY GOVERNOR'S OFFICE AND STATE AGENCIES

Sec. 782.011. COORDINATION BY STATE AND FEDERAL AGENCIES

Sec. 782.012. BUDGETARY CONSIDERATIONS; FUNDS

Sec. 782.013. DEVELOPMENT GRANT

Sec. 782.014. ANNUAL REPORT

CHAPTER 782. CULTURAL BASIN ACT

Sec. 782.001. **SHORT TITLE.** This chapter may be cited as the Cultural Basin Act of 1973. (V.A.C.S. Art. 4413(32d), Sec. 1.)

Sec. 782.002. **PURPOSE.** The purpose of this chapter is to improve the quality of life for the residents of Texas by:

- (1) stimulating orderly economic and socially desirable development; and
- (2) conserving and utilizing the state's human and natural resources. (V.A.C.S. Art. 4413(32d), Sec. 3.)

Sec. 782.003. **DEFINITIONS.** In this chapter:

- (1) "Commission" means a cultural basin commission.
- (2) "Council of government" means a regional planning commission or similar regional planning agency created under Chapter 391, Local Government Code. (New.)

Sec. 782.004. **CREATION.** (a) The governor shall designate a geographical area in the state as a cultural basin if:

- (1) there is a commonality within the area, based on cultural, historical, and economic factors;
- (2) the areas of commonality within the proposed cultural basin are contiguous; and
- (3) state planning regions may be used as building blocks for the formation of the cultural basin.

(b) The governor shall designate no fewer than four and no more than seven cultural basins.

(c) Each of three major metropolitan areas should be in separate cultural basins. (V.A.C.S. Art. 4413(32d), Sec. 4.)

Sec. 782.005. **GREATER SOUTH TEXAS CULTURAL BASIN.** (a) The Greater South Texas Cultural Basin is designated as the first cultural basin.

(b) The experience of the Greater South Texas Cultural Basin Commission shall be used in the formulation and development of additional cultural basin commissions. (V.A.C.S. Art. 4413(32d), Sec. 12.)

Sec. 782.006. **COMMISSION.** (a) The governor shall appoint a commission for each cultural basin the governor designates.

(b) A commission shall meet quarterly and at other times as called by a majority of the commission members or the commission chairman. (V.A.C.S. Art. 4413(32d), Sec. 5.)

Sec. 782.007. **COMMISSION MEMBERSHIP.** (a) A commission is composed of the following members appointed by the governor:

- (1) five local citizens;
- (2) the presiding officer of each council of government in the cultural basin;
- (3) six administrative heads of state agencies; and
- (4) five representatives of federal agencies.

(b) Members of a commission serve for terms of two years.

(c) The governor serves as the chairman of each cultural basin commission.

(d) A member of the commission is entitled to reimbursement for actual expenses incurred in the performance of the member's duties if the expenses are not reimbursed from another source. (V.A.C.S. Art. 4413(32d), Secs. 6 (part); 7(b) (part), (c) (part); 10(b).)

Sec. 782.008. **DUTIES OF CERTAIN COMMISSION MEMBERS.** (a) Members of the commission who are citizen representatives or local officials shall:

- (1) establish local and basin-wide goals and priorities; and
- (2) make management and policy decisions.

(b) The members of a commission who are presiding officers of councils of government shall:

- (1) coordinate the efforts, programs, goals, and projects of the council with those of the cultural basin commission; and
- (2) make management and policy decisions.
- (c) The members of a commission who are state and federal agency representatives shall design programs and allocate funds to implement the goals set by the commission.
- (d) The administrative heads of state agencies shall coordinate activities of the commission with all state agencies.
- (e) A commission, in setting its local goals, shall:
 - (1) consult existing groups, including local human resource councils; and
 - (2) utilize information, studies, and proposed solutions to problems from citizen commissions, including the Rural Development Commission.
- (f) The governor shall present plans and proposals of the commission for review to the appropriate state agencies and, along with the recommendations of the agencies, recommend to the legislature actions to be taken regarding the cultural basins.
- (g) The governor shall provide an effective and continuing liaison between the federal government, state agencies, and all commissions. (V.A.C.S. Art. 4413(32d), Secs. 6 (part); 7(b) (part), (c) (part); 8(a) (part), (b).)

Sec. 782.009. FUNCTIONS OF COMMISSION. (a) A commission shall, with respect to its cultural basin:

- (1) foster surveys and studies to provide information for the preparation of plans and programs for the development of the cultural basin;
 - (2) advise and assist the governor in coordinating councils of government to maximize benefits from the expenditure of federal, state, and local funds;
 - (3) promote increased private investment in the cultural basin;
 - (4) prepare legislative and other recommendations for short-range and long-range programs and projects;
 - (5) develop, on a continuing basis, comprehensive and coordinated plans and programs for the cultural basin and establish priorities among these plans and programs, considering other federal, state, regional, and local plans;
 - (6) conduct and sponsor investigations, research, and studies, including an inventory and analysis of the resources of the cultural basin;
 - (7) in cooperation with federal, state, regional, and local agencies, sponsor demonstration projects to foster cultural basin productivity and growth;
 - (8) in cooperation with the agency involved, review and study federal, state, regional, and local public and private programs and recommend modifications or additions that increase the programs' effectiveness in the cultural basin;
 - (9) formulate and recommend interstate compacts and other forms of interstate cooperation;
 - (10) formulate and recommend international agreements between the United States and Mexico that have significant impact on the economy or delivery of services to the people of this state; and
 - (11) establish and use citizen input, advisory councils, and public conferences for the consideration of problems and solutions for the cultural basin.
- (b) A commission may make recommendations to the legislature and to appropriate local officials regarding:
- (1) the expenditure of funds by federal, state, and local agencies in the cultural basin in the areas of:
 - (A) natural resources;
 - (B) agriculture;
 - (C) education;
 - (D) training;

- (E) health and welfare;
- (F) transportation;
- (G) recreation;
- (H) public works; and
- (I) other areas related to the purposes of this chapter; and

(2) additional state legislation or administrative actions necessary to further the purposes of this chapter.

(c) This chapter does not authorize a commission to approve or disapprove funding to a county, city, or council of government. (V.A.C.S. Art. 4413(32d), Secs. 7(a), (e), (f).)

Sec. 782.010. ASSISTANCE BY GOVERNOR'S OFFICE AND STATE AGENCIES.

(a) The governor's office shall provide technical assistance and staff support to assist a commission in the performance of its duties and to develop its recommendations and programs.

(b) Assistance must include:

- (1) studies and plans evaluating the needs of and developing the potential for the economic growth of the cultural basin; and
- (2) research on improving the conservation and use of human and natural resources in the basin.

(c) The governor's office may provide assistance to a commission through:

- (1) members of the governor's staff;
- (2) the payment of funds authorized by this section;
- (3) contracts with private individuals, partnerships, firms, corporations, or suitable institutions; and
- (4) grants to the commission.

(d) A state agency shall assist a commission in performing its functions. (V.A.C.S. Art. 4413(32d), Secs. 7(d); 9.)

Sec. 782.011. COORDINATION BY STATE AND FEDERAL AGENCIES. State and federal agencies shall coordinate existing programs and design state and federal programs through contact and communications with the members of a commission. (V.A.C.S. Art. 4413(32d), Sec. 8(a) (part).)

Sec. 782.012. BUDGETARY CONSIDERATIONS; FUNDS. (a) A commission is within the governor's office for budgetary purposes, with necessary expenses of operations financed by line-item appropriations to the governor's office.

(b) A commission may accept gifts and grants from a person. The funds received shall be deposited in the state treasury and may be used as appropriated by the legislature, subject to the limitations in the gift or grant and in accordance with the annual report or other recommendations of a commission. (V.A.C.S. Art. 4413(32d), Secs. 10(a), (c).)

Sec. 782.013. DEVELOPMENT GRANT. (a) The legislature shall appropriate a development grant fund. On receipt of a report under Section 782.008(f), the legislature may release appropriate development grant funds in block grant form to be used by a commission in accordance with the commission's report.

(b) The governor shall encourage each commission and reviewing state agency to follow procedures that consider the following factors when developing recommendations and funding for recommendations, setting priorities, and taking other appropriate actions:

- (1) the relationship of the project to the overall cultural basin development, including its location in an area determined to have a significant potential for growth;
- (2) the population and area to be served by the project and the relative per capita income and the unemployment rates in the area;
- (3) the relative financial resources available to the state or political subdivision that will undertake the project;

(4) the importance of the project in relation to other projects that may be in competition for the same funds;

(5) the prospects that the project, on a continuing rather than a temporary basis, will improve the opportunities for employment, the average level of income, or the economic and social development of the area served by the project; and

(6) any possible environmental impact of the project. (V.A.C.S. Art. 4413(32d), Sec. 11.)

Sec. 782.014. ANNUAL REPORT. (a) On or before December 1 of each year, each commission shall make a written report to the governor and the presiding officer of each house of the legislature.

(b) The report must include a statement of the commission's activities and recommendations.

(c) The report required by this section must be consistent with Sections 782.008(f) and 782.013. (V.A.C.S. Art. 4413(32d), Sec. 13.)

CHAPTER 783. UNIFORM GRANT AND CONTRACT MANAGEMENT

Sec. 783.001. SHORT TITLE

Sec. 783.002. POLICY

Sec. 783.003. DEFINITIONS

Sec. 783.004. GOVERNOR'S OFFICE

Sec. 783.005. UNIFORM ASSURANCES

Sec. 783.006. STANDARD FINANCIAL MANAGEMENT CONDITIONS

Sec. 783.007. UNIFORM ASSURANCES AND STANDARD CONDITIONS REQUIRED; VARIATIONS

Sec. 783.008. AUDIT COORDINATION

CHAPTER 783. UNIFORM GRANT AND CONTRACT MANAGEMENT

Sec. 783.001. SHORT TITLE. This chapter may be cited as the Uniform Grant and Contract Management Act. (V.A.C.S. Art. 4413(32g), Sec. 1.)

Sec. 783.002. POLICY. It is the policy of the state to promote the efficient use of public funds in local government and in programs requiring cooperation among local, state, and federal agencies. (V.A.C.S. Art. 4413(32g), Sec. 2.)

Sec. 783.003. DEFINITIONS. In this chapter:

(1) "Assurance" means a statement of compliance with federal or state law that is required of a local government as a condition for the receipt of grant or contract funds.

(2) "Financial management conditions" means generally applicable policies and procedures for the accounting, reporting, and management of funds that state agencies require local governments to follow in the administration of grants and contracts.

(3) "Local government" means a municipality, county, or other political subdivision of the state, but does not include a school district or other special-purpose district.

(4) "State agency" means a state board, commission, or department, or office having statewide jurisdiction, but does not include a state college or university. (V.A.C.S. Art. 4413(32g), Sec. 3.)

Sec. 783.004. GOVERNOR'S OFFICE. The governor's office is the state agency for uniform grant and contract management. (V.A.C.S. Art. 4413(32g), Sec. 4(a).)

Sec. 783.005. UNIFORM ASSURANCES. (a) The governor's office shall develop uniform and concise language for any assurances that a local government is required to make to a state agency.

(b) The governor's office may:

(1) categorize assurances according to the type of grant or contract;

(2) designate programs to which the assurances are applicable; and

(3) revise the assurances.

(c) The standards for assurances developed under this chapter may not affect methods of distribution or amounts of federal funds received by a state agency or a local government. (V.A.C.S. Art. 4413(32g), Secs. 4(b), (c), (d).)

Sec. 783.006. STANDARD FINANCIAL MANAGEMENT CONDITIONS. (a) The governor's office shall compile and distribute to each state agency an official compilation of standard financial management conditions.

(b) The governor's office shall develop the compilation from Federal Management Circular A-102 or from a revision of that circular and from other applicable statutes and regulations.

(c) The governor's office shall include in the compilation official commentary regarding administrative or judicial interpretations that affect the application of financial management standards.

(d) The governor's office may:

(1) categorize the financial management conditions according to the type of grant or contract;

(2) designate programs to which the conditions are applicable; and

(3) revise the conditions. (V.A.C.S. Art. 4413(32g), Sec. 5.)

Sec. 783.007. UNIFORM ASSURANCES AND STANDARD CONDITIONS REQUIRED; VARIATIONS. (a) A state agency shall use the uniform assurances developed under Section 783.005 and the standard financial management conditions developed under Section 783.006 applicable to a local government receiving financial assistance from the agency unless a federal statute or regulation or a state statute requires or specifically authorizes a variation in the assurances or conditions.

(b) An agency may establish a variation from uniform assurances or standard conditions only by rule in accordance with the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

(c) The agency shall state a reason for the variation along with the proposed rule, and the reason must be based on the applicable federal statute or regulation or state statute.

(d) The agency shall file a notice of each proposed rule that establishes a variation from uniform assurances or standard conditions with the governor's office. (V.A.C.S. Art. 4413(32g), Sec. 6.)

Sec. 783.008. AUDIT COORDINATION. (a) A local government receiving state-administered financial assistance may request by action of its governing body a single audit or coordinated audits by all state agencies from which it receives funds.

(b) On receipt of a request for a single audit or audit coordination, the governor's office in consultation with the state auditor shall not later than the 30th day after the date of the request designate a single state agency to coordinate state audits of the local government.

(c) The designated agency shall, to the extent practicable, assure single or coordinated state audits of the local government for as long as the designation remains in effect or until the local government by action of its governing body withdraws its request for audit coordination.

(d) This section does not apply to an audit performed by the comptroller or state auditor. (V.A.C.S. Art. 4413(32g), Sec. 7.)

[Chapters 784-790 reserved for expansion]

CHAPTER 791. INTERLOCAL COOPERATION CONTRACTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 791.001. PURPOSE

Sec. 791.002. SHORT TITLE

- Sec. 791.003. DEFINITIONS
- Sec. 791.004. INTERLOCAL CONTRACT: DUAL OFFICE HOLDING
- Sec. 791.005. EFFECT OF CHAPTER
- Sec. 791.006. LIABILITY IN FIRE PROTECTION CONTRACT

[Sections 791.007–791.010 reserved for expansion]

SUBCHAPTER B. GENERAL INTERLOCAL CONTRACTING AUTHORITY

- Sec. 791.011. CONTRACTING AUTHORITY; TERMS
- Sec. 791.012. LOCAL LAW APPLICABLE TO CONTRACTING PARTIES
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SUBCHAPTER C. SPECIFIC INTERLOCAL CONTRACTING AUTHORITY

- Sec. 791.021. CONTRACTS FOR REGIONAL CORRECTIONAL FACILITIES
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- Sec. 791.027. EMERGENCY ASSISTANCE
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CHAPTER 791. INTERLOCAL COOPERATION CONTRACTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 791.001. **PURPOSE.** The purpose of this chapter is to increase the efficiency and effectiveness of local governments by authorizing them to contract, to the greatest possible extent, with one another and with agencies of the state. (V.A.C.S. Art. 4413(32c), Sec. 1.)

Sec. 791.002. **SHORT TITLE.** This chapter may be cited as the Interlocal Cooperation Act. (V.A.C.S. Art. 4413(32c), Sec. 2.)

Sec. 791.003. **DEFINITIONS.** In this chapter:

(1) “Administrative functions” means functions normally associated with the routine operation of government, including tax assessment and collection, personnel services, purchasing, records management services, data processing, warehousing, equipment repair, and printing.

(2) “Interlocal contract” means a contract or agreement made under this chapter.

(3) “Governmental functions and services” means all or part of a function or service in any of the following areas:

- (A) police protection and detention services;
- (B) fire protection;
- (C) streets, roads, and drainage;
- (D) public health and welfare;
- (E) parks and recreation;
- (F) library and museum services;

- (G) records center services;
- (H) waste disposal;
- (I) planning;
- (J) engineering;
- (K) administrative functions;
- (L) public funds investment; or
- (M) other governmental functions in which the contracting parties are mutually interested.

(4) "Local government" means a:

- (A) county, municipality, special district, or other political subdivision of this state or a state that borders this state; or
- (B) combination of two or more of those entities.

(5) "Political subdivision" includes any corporate and political entity organized under state law. (V.A.C.S. Art. 4413(32c), Secs. 3, 4(d) (part).)

Sec. 791.004. **INTERLOCAL CONTRACT: DUAL OFFICE HOLDING.** A person acting under an interlocal contract does not, because of that action, hold more than one civil office of emolument or more than one office of honor, trust, or profit. (V.A.C.S. Art. 4413(32c), Sec. 4(f).)

Sec. 791.005. **EFFECT OF CHAPTER.** This chapter does not affect an act done or a right, duty, or penalty existing before May 31, 1971. (V.A.C.S. Art. 4413(32c), Sec. 6.)

Sec. 791.006. **LIABILITY IN FIRE PROTECTION CONTRACT.** If governmental units contract under this chapter to furnish or obtain fire protection services, the governmental unit that would have been responsible for furnishing the services in the absence of the contract is responsible for any civil liability that arises from the furnishing of those services. (V.A.C.S. Art. 4413(32c), Sec. 4(g).)

[Sections 791.007–791.010 reserved for expansion]

SUBCHAPTER B. GENERAL INTERLOCAL CONTRACTING AUTHORITY

Sec. 791.011. **CONTRACTING AUTHORITY; TERMS.** (a) A local government may contract or agree with another local government to perform governmental functions and services in accordance with this chapter.

(b) A party to an interlocal contract may contract with a:

- (1) state agency, as that term is defined by Section 771.002; or
- (2) similar agency of a state that borders this state.

(c) An interlocal contract may be to:

- (1) study the feasibility of the performance of a governmental function or service by an interlocal contract; or
- (2) provide a governmental function or service that each party to the contract is authorized to perform individually.

(d) An interlocal contract must:

- (1) be authorized by the governing body of each party to the contract;
- (2) state the purpose, terms, rights, and duties of the contracting parties; and
- (3) specify that each party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party.

(e) An interlocal contractual payment must be in an amount that fairly compensates the performing party for the services or functions performed under the contract.

(f) An interlocal contract may be renewed annually. (V.A.C.S. Art. 4413(32c), Secs. 4(a), (b), (e) (part).)

Sec. 791.012. LOCAL LAW APPLICABLE TO CONTRACTING PARTIES. Local governments that are parties to an interlocal contract for the performance of a service may, in performing the service, apply the local law of a party as agreed by the parties. (V.A.C.S. Art. 4413(32c), Sec. 4(c).)

Sec. 791.013. CONTRACT SUPERVISION AND ADMINISTRATION. (a) The parties to an interlocal contract may create an administrative agency or designate an existing local government to supervise the performance of the contract.

(b) The agency or designated local government may employ personnel, perform administrative activities, and provide administrative services necessary to perform the interlocal contract. (V.A.C.S. Art. 4413(32c), Sec. 4(d) (part).)

Sec. 791.014. APPROVAL REQUIREMENT FOR COUNTIES. (a) Before beginning a project to construct, improve, or repair a building, road, or other facility under an interlocal contract, the commissioners court of a county must give specific written approval for the project.

(b) The approval must:

- (1) be given in a document other than the interlocal contract;
- (2) describe the type of project to be undertaken; and
- (3) identify the project's location.

(c) The county may not accept and another local government may not offer payment for a project undertaken without approval required by this section.

(d) A county is liable to another local government for the amount paid by the local government to the county for a project requiring approval under this section if:

- (1) the county begins the project without the approval required by this section; and
- (2) the local government makes the payment before the project is begun by the county. (V.A.C.S. Art. 4413(32c), Sec. 4B.)

[Sections 791.015–791.020 reserved for expansion]

SUBCHAPTER C. SPECIFIC INTERLOCAL CONTRACTING AUTHORITY

Sec. 791.021. CONTRACTS FOR REGIONAL CORRECTIONAL FACILITIES. The parties to an interlocal contract may contract with the institutional division of the Texas Department of Criminal Justice for the construction, operation, and maintenance of a regional correctional facility if:

- (1) title to the land on which the facility is to be constructed is deeded to the institutional division; and
- (2) the parties execute a contract relating to the payment of costs for housing, maintenance, and rehabilitative treatment of persons held in jails who cannot otherwise be transferred under authority of existing statutes to the direct responsibility of the institutional division. (V.A.C.S. Art. 4413(32c), Sec. 4(e) (part).)

Sec. 791.022. CONTRACTS FOR REGIONAL JAIL FACILITIES. (a) In this section:

- (1) "Facility" means a regional jail facility constructed or acquired under this section.
- (2) "Jailer" means a person with authority to supervise the operation and maintenance of a facility as provided by this section.

(b) A political subdivision of the state, by resolution of its governing body, may contract with one or more political subdivisions of the state to participate in the ownership, construction, and operation of a regional jail facility.

(c) The facility must be located within the geographic boundaries of one of the participating political subdivisions. The facility is not required to be located in a county seat.

(d) Before acquiring and constructing the facility, the participating political subdivisions shall issue bonds to finance the facility's acquisition and construction. The bonds

must be issued in the manner prescribed by law for issuance of permanent improvement bonds.

(e) To supervise the operation and maintenance of a facility, the participating political subdivisions may agree to:

(1) appoint as jailer of the facility the police chief or sheriff of the political subdivision in which the facility is located;

(2) form a committee composed of the sheriff or police chief of each participating political subdivision to appoint a jailer of the facility; or

(3) authorize the police chief or sheriff of each participating political subdivision to continue to supervise and manage those prisoners incarcerated in the facility under the authority of that officer.

(f) If participating political subdivisions provide for facility supervision under Subsection (e), the person designated to supervise operation and maintenance of the facility shall supervise the prisoners incarcerated in the facility.

(g) When a prisoner is transferred from the facility to the originating political subdivision, the appropriate law enforcement officer of the originating political subdivision shall assume supervision and responsibility for the prisoner.

(h) While a prisoner is incarcerated in a facility, a police chief or sheriff not assigned to supervise the facility is not liable for the escape of the prisoner or for any injury or damage caused by or to the prisoner unless the escape, injury, or damage is directly caused by the police chief or sheriff.

(i) The political subdivisions may employ or authorize the jailer of the facility to employ personnel necessary to operate and maintain the facility.

(j) The jailer of the facility and any assistant jailers must be commissioned peace officers. (V.A.C.S. Art. 4413(32c), Sec. 4(h).)

Sec. 791.023. CONTRACTS FOR STATE CRIMINAL JUSTICE FACILITIES. The state or an agency of the state may contract with one or more entities to finance, construct, operate, maintain, or manage a criminal justice facility provided, in the exercise of the governmental power, for the benefit of the state in accordance with this chapter and:

(1) Subchapter A, Chapter 494, Government Code;

(2) Subchapter D, Chapter 361, Local Government Code; or

(3) the Certificate of Obligation Act of 1971 (Subchapter C, Chapter 271, Local Government Code). (V.A.C.S. Art. 4413(32c), Sec. 4A(a).)

Sec. 791.024. CONTRACTS FOR COMMUNITY CORRECTIONS FACILITIES. A community supervision and corrections department established under Section 2, Article 42.131, Code of Criminal Procedure, may agree with the state, an agency of the state, or a local government to finance, construct, operate, maintain, or manage a community corrections facility under Section 3, Article 42.131, Code of Criminal Procedure, or a county correctional center under Subchapter H, Chapter 351, Local Government Code. (V.A.C.S. Art. 4413(32c), Sec. 4A(b).)

Sec. 791.025. CONTRACTS FOR PURCHASES. A local government may agree with another local government or with the state or a state agency, including the State Purchasing and General Services Commission, to purchase goods and services. (V.A.C.S. Art. 4413(32c), Sec. 4(i).)

Sec. 791.026. CONTRACTS FOR WATER SUPPLY AND WASTEWATER TREATMENT FACILITIES. (a) A municipality, district, or river authority of this state may contract with another municipality, district, or river authority of this state to obtain or provide part or all of:

(1) water supply or wastewater treatment facilities; or

(2) a lease or operation of water supply facilities or wastewater treatment facilities.

(b) The contract may provide that the municipality, district, or river authority obtaining one of the services may not obtain those services from a source other than a contracting party, except as provided by the contract.

(c) If a contract includes a term described by Subsection (b), payments made under the contract are the paying party's operating expenses for its water supply system, wastewater treatment facilities, or both.

(d) The contract may:

(1) contain terms and extend for any period on which the parties agree; and

(2) provide that it will continue in effect until bonds specified by the contract and any refunding bonds issued to pay those bonds are paid.

(e) Tax revenue may not be pledged to the payment of amounts agreed to be paid under the contract.

(f) The powers granted by this section prevail over a limitation contained in another law. (V.A.C.S. Art. 4413(32c), Secs. 5(a), (b), (c), (d).)

Sec. 791.027. EMERGENCY ASSISTANCE. (a) A local government may provide emergency assistance to another local government, whether or not the local governments have previously agreed or contracted to provide that kind of assistance, if:

(1) in the opinion of the presiding officer of the governing body of the local government desiring emergency assistance, a state of civil emergency exists in the local government that requires assistance from another local government and the presiding officer requests the assistance; and

(2) before the emergency assistance is provided, the governing body of the local government that is to provide the assistance authorizes that local government to provide the assistance by resolution or other official action.

(b) This section does not apply to emergency assistance provided by law enforcement officers under Chapter 362, Local Government Code. (V.A.C.S. Art. 4413(32c), Sec. 5A.)

Sec. 791.028. CONTRACTS FOR JOINT PAYMENT OF ROAD CONSTRUCTION AND IMPROVEMENTS. (a) In this section:

(1) "Highway project" means the acquisition, design, construction, improvement, or beautification of a state or local highway, turnpike, or road project.

(2) "Transportation corporation" means a corporation created under the Texas Transportation Corporation Act (Article 1528I, Vernon's Texas Civil Statutes).

(b) A local government may contract with another local government, a state agency, or a transportation corporation to pay jointly all or part of the costs of a highway project, including the cost of an easement or interest in land required for or beneficial to the project.

(c) A local government and a transportation corporation, in accordance with a contract executed under this section, may:

(1) jointly undertake a highway project;

(2) acquire an easement, land, or an interest in land, in or outside a right-of-way of a highway project, as necessary for or beneficial to a highway project; or

(3) adjust utilities for the project.

(d) If a contract under this section provides for payments over a term of years, a local government may levy ad valorem taxes in an amount necessary to make the payments required by the contract as they become due. (V.A.C.S. Art. 4413(32c), Sec. 5B, as added by Sec. 3, Chap. 982, Acts 71st Leg., R.S., 1989.)

Sec. 791.029. CONTRACTS FOR REGIONAL RECORDS CENTERS. (a) By resolution of its governing body, a political subdivision of the state may contract with another political subdivision of the state to participate in the ownership, construction, and operation of a regional records center.

(b) Before acquiring or constructing the records center, a participating political subdivision may issue bonds to finance the acquisition and construction of the records center in the manner prescribed by law for the issuance of permanent improvement bonds.

(c) The records center may not be used to store a record whose retention period is listed as permanent on a records retention schedule issued by the Texas State Library and Archives Commission under Section 441.158, unless the center meets standards for the care and storage of records of permanent value established by rules adopted by the commission under Section 203.048, Local Government Code.

(d) The Texas State Library and Archives Commission shall provide assistance and advice to local governments in the establishment and design of regional records centers. (V.A.C.S. Art. 4413(32c), Sec. 5B, as added by Sec. 4, Chap. 1248, Acts 71st Leg., R.S., 1989.)

SECTION 2. REPEALER. The following articles and acts, as compiled in Vernon's Texas Civil Statutes, are repealed: 969e, 1273b, 4413c-1, 4413d-1, 4413d-2, 4413(32), 4413(32a), 4413(32b), 4413(32c), 4413(32d), 4413(32g), 4413(34a), and 4413(201).

SECTION 3. LEGISLATIVE INTENT OF NO SUBSTANTIVE CHANGE. This Act is enacted under Article III, Section 43, of the Texas Constitution. This is intended as a recodification only, and no substantive change in the law is intended by this Act.

SECTION 4. EFFECTIVE DATE. This Act takes effect September 1, 1991.

SECTION 5. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on March 18, 1991, by a viva-voce vote; passed the House on April 2, 1991, by a non-record vote.

Filed without signature April 19, 1991.

Effective September 1, 1991.

CHAPTER 39

S.B. No. 121

AN ACT

relating to retirement programs for employees of High Plains Underground Water Conservation District No. 1.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 10, Acts of the 53rd Legislature, Regular Session, 1953, is amended by adding Section 3A to read as follows:

Sec. 3A. (a) In this section, "retirement program" means a continuing, organized program of service retirement, disability retirement, or death benefits.

(b) The district may establish one or more retirement programs for its employees and determine the benefits, funding sources and amounts, and administration of the programs, within applicable requirements of Chapter 802, Government Code. The district may provide for administration of a retirement program by a private provider of public retirement benefits.

(c) The district shall, for each of the district's retirement programs, file all reports with the State Pension Review Board required by Chapter 802, Government Code.

(d) The authority provided by this section is in addition to any authority provided by Subchapter A, Chapter 842, Government Code; Article 6252-3g, Revised Statutes; or other law.

(e) If the district establishes a retirement program that would be a "public retirement system" within the meaning ascribed to that term by Section 801.001, Government Code, but for the fact that the program is administered by a life insurance company, the district shall notify the State Pension Review Board of the establishment of the program and the name of the administering company.